



**Public Meeting Room B
Delta Administration Building
7710 West Saginaw Highway
Lansing, MI 48917**

**TOWNSHIP BOARD
COMMITTEE OF THE WHOLE MEETING
AGENDA
February 10, 2014
6:00 P.M.**

I. CALL TO ORDER

II. ROLL CALL – Members: Supervisor Ken Fletcher, Clerk Mary Clark, Treasurer Howard Pizzo, Trustees Dennis Fedewa, Jeff Hicks, R. Douglas Kosinski, Karen Mojica

III. SET/ADJUST AGENDA

IV. PUBLIC COMMENT

V. MANAGER’S REPORT

VI. ITEMS OF DISCUSSION

- 1. Annual Township Board Ethics Training, Linda Wells**
- 2. Discussion on Proposed Amendments to Vending Ordinance, Mark Graham**
- 3. A Report from the Economic Development Corporation, Chair Hanieski**

VII. ADJOURNMENT

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, TOWNSHIP CLERK
Phone (517) 323-8500

Individuals with disabilities requiring auxiliary aids or services who are planning to attend Township meetings or hearings should contact the Clerk’s Office by writing or calling in advance (323-8500) to inform them of the date of the meeting/hearing that will be attended. Copies of minutes may be purchased or viewed in the Clerk’s Office from 8 a.m. to 5 p.m., Monday through Friday.

Ethics Policy



DELTA
T O W N S H I P

Adopted: July 20, 2009

Delta Township Ethics Policy

- ✿ Purpose: To establish a code of ethics for public servants of Delta Township that is applicable to all persons in the Township's service, whether compensated or not.



Intent

- ✿ It is the intent of this policy that a public servant shall avoid any action which might result in or create the appearance of using public office, position or employment for private gain. That may include:
 - giving improper preferential treatment to any person or organization,
 - impeding government efficiency or economy,
 - exhibiting a lack of independence or impartiality of action,
 - making a government decision outside of official channels, or
 - affecting adversely the confidence of the public in the integrity of the Township.

Policy

- ✿ All public servants must avoid conflicts between their private interests and those of the general public whom they serve.
- ✿ Not intended to limit the right or ability to exercise discretion in making legitimate policy decisions.
- ✿ No public servant shall request, use, or permit the use of any consideration, treatment, advantage, or favor beyond that which is available to the public at large.



Disclosure of Conflicts

- ✧ The following disclosures are required as established by this policy:
 - ✧ Business Transactions
 - ✧ Proposed legislation or pending decisions
 - ✧ Perceived conflicts of interest
 - ✧ Dual employment
 - ✧ Dual representation
 - ✧ Familial interest
 - ✧ Disclosure Statement

Offer or Acceptance of Gifts or Favors

- ✿ No public servant shall solicit or accept gifts or favors which could be interpreted to influence a vote, decision, or other exercise of official authority.
- ✿ Does not prohibit any official from accepting a gift on behalf of the Township.
- ✿ Meals & Entertainment

Prohibited Conduct

- ✿ Divulging confidential information to any person not authorized to obtain such information.
- ✿ Benefitting financially from confidential information.
- ✿ Representing his or her individual opinion as that of the Township.
- ✿ Act on behalf of the Township in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such public servant has, in fact, no authority to do so.
- ✿ Misusing Township personnel resources, property, funds, or assets for personal gain.

Prohibited Conduct (cont'd)

- ✿ Soliciting or accepting a gift or loan of money, goods, services, or other things of value which tend to influence the manner in which the public servant performs his or her official duties, except as allowed under Offer or Acceptance of Gifts or Favors, herein.
- ✿ Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position, except as allowed under Disclosure of Conflicts of Interest, Actual and Potential, herein.
- ✿ Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
- ✿ Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has an interest, except as allowed under Disclosure of Conflicts of Interest, Actual and Potential, herein.



Employment of Relatives

- ✿ Employment of qualified relatives is permitted.
 - ✿ The Township shall not hire a relative of the Township Manager, H.R. Generalist, a department director, or any member of the Township Board.
 - ✿ Individuals related by blood or marriage are permitted to work in same facility, provided no direct reporting or supervisory relationship exists.
 - ✿ No relatives shall be permitted to work in the same department or any position which the Township Manager believes an inherent conflict of interest exists.

Employment of Relatives

- ✧ Employees who marry while employed are treated in accordance with these guidelines.
- ✧ This policy does not apply to temporary election workers.
- ✧ An applicant or employee shall notify the Township in either application for employment or in writing to the Township Manager of such a relationship.



Public Workplace Environment

- ✿ Public servants are expected to conduct themselves in a professional manner.
- ✿ Public servants must recognize their role as a public servant so as to in no way create the perception of inappropriate conduct during the course of their work.



Public Disclosure

- ✿ Disclosures may be made orally at a meeting of the Township Board, or in writing.
- ✿ Disclosures shall include:
 - ✿ Identity of person(s) involved in the interest,
 - ✿ The source and amount of income derived from the interest, and
 - ✿ Any disclosures required by Act 317 of 1968, as amended, MCL 15.321 et seq.

Compliance and Enforcement

- ✿ This policy expresses the standards of ethical conduct expected for public servants of the township.
- ✿ If you believe a violation has occurred, you may make a formal written and signed complaint to the Township Board.
- ✿ Appropriate action will be taken.

Ethics Policy Acknowledgement

- ✿ All public servants shall receive a copy of the policy and sign acknowledgement of same.
- ✿ On an annual basis, a signed statement shall be completed by all public servants.
- ✿ Signed acknowledgements will remain in effect until a party is no longer a public servant.

Ethics Policy

I AM  DELTA

Delta Township Compiled Policy Manual

Title:	Delta Township Ethics Policy
Adoption Date:	July 20, 2009
Revision Date:	

General Purpose: To establish a code of ethics for public servants of the Charter Township of Delta that is applicable to all persons in the Township's service, whether compensated or not.

Summary Statement of Policy: It is the intent of this policy that a public servant shall avoid any action which might result in or create the appearance of using public office, position or employment for private gain, giving improper preferential treatment to any person or organization, impeding government efficiency or economy, exhibiting a lack of independence or impartiality of action, making a government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the Township.

Actual Policy as written:

Definitions

Whenever in this policy the following terms are used, they shall have the meanings described to them as follows:

1. **Business entity** – A business entity includes a corporation, limited liability company, partnership, sole proprietorship, joint venture, unincorporated association, trust, or other business form.
2. **Township** – The Charter Township of Delta, a Michigan Municipal corporation.
3. **Interest** – any right, title, or share in something, personal, financial, legal, or equitable, which is owned, held or controlled, in whole or part, directly or indirectly, by a public servant.
4. **Public Servant** – A member of the Township board, the Township manager, a director, full or part-time Township employees and any person elected or appointed to any public body of the Township.
5. **Public Body** – The Township board, and any board, authority, commission, committee, department, office, or other agency of the Township, and including the Township.
6. **Compensation** – Any money, thing of value, or other compensatory or pecuniary benefit received or to be received in return for, or as a reimbursement for, services rendered or to be rendered.
7. **Relative** – A spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, corresponding in-law or “step” relation.
8. **Ethics Policy** – This policy.

Public Policy

It is hereby declared to be the policy of the Charter Township of Delta that all public servants must avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and the integrity and impartiality of all public servants, it is necessary that adequate rules be provided for separating their roles as private citizens from their roles as public servants. Where government is based upon the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his/her government.

It is not the intent of this policy to, in any way, limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a benefit, which is defined as a benefit not otherwise generally available to others, to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated Township residents.

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the Township with courtesy, impartiality, fairness, and equality under the law.

No public servant shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service, or money, for the personal convenience or the private advantage of one's self or of any other person. This requirement shall not be deemed to prevent any public servant from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large, or which is provided, as a matter of public policy for the use of public servants in the conduct of official business, as approved consideration for their services to the Township.

Disclosure of Conflicts of Interest, Actual and Potential

In connection with any actual or potential conflict of interest, the following requirements are established with this policy:

1. Business Transactions - No public servant, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the Township, unless the person shall first make full public disclosure of the nature of such interest, and comply with the requirements of Act 317 of 1968, as amended, MCL 15.321 et seq.
2. Proposed Legislation or Pending Decisions – Any public servant of the Township who has an interest in any proposed legislation or decision pending before any body of which the public servant is a member shall publicly disclose on the official records of the body, the nature and extent of such interest prior to any vote or official action on the matter. The member shall be excused from voting on the matter if excused by the unanimous consent of the other members present.

3. Perceived Conflicts of Interest – A member considered to have a conflict of interest shall publically disclose the nature and extent of the potential conflict of interest on the official records of the body prior to any vote or official action on the matter. The member shall be excused from voting on the matter if excused by the unanimous consent of the other members present.
4. Dual Employment – No public servant shall engage in employment with any other agency or department of the Township. No public servant shall render services for private interest, when such employment or service is in conflict with or is incompatible with the proper discharge of his/her duties.

Appointees to multi-member boards or commissions, whether paid or unpaid, shall disclose any financial, business, commercial, contractual or other private transaction interest prior to any official action or vote taken, for which the appointee's vote or other official action is in conflict with or is incompatible with the interests of the Township.

5. Dual Representation – A public servant shall make full public disclosure of business involving the Township when attempting to use his or her official position to secure special privileges or exemptions for self or others, and shall comply with Section 1 and 3 above.
6. Familial Interest - Any public servant whose has an interest in any proposed legislation or decision pending before any body of which the public servant is a member shall publicly disclose on the official records of the body, the nature and extent of such interest prior to any vote or official action on the matter. The members shall be excused from voting on the matter if excused by the unanimous consent of the other members present.
7. Disclosure Statement – Each public servant shall annually sign a disclosure statement which will address conflicts of interest, actual and potential as described in items 1 through 6 of this section. The disclosure statement shall include the date, month, and year, the name, address, and public position held by the public servant. The purpose of such statement will be to remind public servants of those financial interests that might impair their judgment on behalf of the public; informs the public of those interests; and, assists in instilling confidence in the actions of public servants.

Offer or Acceptance of Gifts or Favors

No public servant, whether paid or unpaid, shall solicit or accept, or give anything of such value which could be interpreted to influence a vote, decision, or other exercise of official authority in any matter involving the Township and does not create the appearance that the public servant is using their position for personal gain. Nothing in this section is intended to preclude campaign contributions which comply with state and federal law.

Gifts to the Township: Nothing in this policy shall prohibit any official or appointee from accepting a gift on behalf of the Township, providing the person accepting the gift shall promptly

report the receipt of such gift to the finance department, for the purpose of adding the inventory of property to the Township.

Meals and Entertainment: The Township recognizes that its public servants may, from time to time, attend functions as representatives of the Township where meals and entertainment are provided as part of a business related function. When representing the Township at a business related function, public servants may accept meals and entertainment valued at less than one hundred dollars (\$100.00) so long as: (1) acceptance of the meal or entertainment does not violate any other section of this policy; (2) acceptance of the meal or entertainment does not create the appearance that the public servant is using their position for personal gain; and, (3) the meal or entertainment is available to other attendees of the business related function. Public servants may exceed the one hundred dollar (\$100.00) limit as long as they seek prior approval from the Township Manager. In turn, the Township Manager shall seek prior approval to exceed the one hundred dollar (\$100.00) limit from the Township Supervisor. Township Board members shall seek prior approval to exceed the one hundred dollar (\$100.00) limit from the Township Board.

Prohibited Conduct

All public servants are prohibited from engaging in the following conduct:

1. Divulging confidential information to any person not authorized to obtain such information.
2. Benefitting financially from confidential information.
3. Representing his or her individual opinion as that of the Township.
4. Act on behalf of the Township in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such public servant has, in fact, no authority to do so.
5. Misusing Township personnel resources, property, funds, or assets for personal gain.
6. Soliciting or accepting a gift or loan of money, goods, services, or other things of value which tend to influence the manner in which the public servant performs his or her official duties, except as allowed under Offer or Acceptance of Gifts or Favors, herein.
7. Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position, except as allowed under Disclosure of Conflicts of Interest, Actual and Potential, herein.
8. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
9. Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has an interest, except as allowed under Disclosure of Conflicts of Interest, Actual and Potential, herein.

Employment of Relatives

Delta Township permits the employment of qualified relatives of employees as long as such employment does not create actual or perceived conflicts of interest. The Township will exercise

sound business judgment in the placement of related employees in accordance with the following guidelines:

1. The Township shall not hire a relative of the Township Manager, the Human Resources Generalist, a Department Director, or any member of the Township Board.
2. Individuals who are related by blood or marriage are permitted to work in the same facility, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary, discipline or career progress could be influenced by the other relative.
3. No relatives are permitted to work in the same department or any other positions in which the Township Manager believes an inherent conflict of interest may exist.
4. Employees who marry while employed are treated in accordance with these guidelines. That is, if, a conflict or an apparent conflict arises as the result of the marriage, one of the employees will be transferred at the earliest practical time.

This policy applies to all categories of Township employment at with the exception of temporary election workers.

An applicant or employee of the Township shall notify the Township in either the application for employment, in the case of an applicant, or in writing to the Township Manager, if presently employed by the Township, of such a relationship.

Public Workplace Environment

Public servants shall support the maintenance of a positive and constructive workplace environment for other public servants and for citizens and businesses dealing with the Township. Public servants shall recognize their special role in dealings with each other, Township residents, and businesses dealing with the Township so as to in no way create the perception of inappropriate conduct during the course of their work. It is the policy of the Township to ensure that all public servants conduct themselves in a manner that fosters public confidence in the integrity of the Township, its processes, and its accomplishments.

Public Disclosure

Whenever a public disclosure is required by this policy, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the presiding officer, or if the conflicted official is the presiding officer, the clerk. In both cases it shall be made a part of the record of a regular Township board meeting, and in either event, where applicable, shall include:

1. The identity of all persons involved in the interest.
2. The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with this policy must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.
3. Any disclosures required by Act 317 of 1968, as amended, MCL 15.321 et seq.

4. **Compliance and Enforcement**

This Ethics Policy expresses the standards of ethical conduct expected for public servants of the Township. Each public servant has the responsibility to ensure that they understand and meet the ethical standards expressed in this policy. This policy shall be included in the regular orientations for all new public servants. A statement affirming that they have read and understood the Ethics Policy shall be signed by all public servants.

Any individual who believes that a violation exists as prohibited by this policy may make a complaint which shall be a signed, written formal complaint to the Township Board, who shall cause same to be investigated by controlling authority as follows:

1. Elected and appointed public servants of the Township to the Township supervisor. In matters concerning the Township manager to the Township supervisor. In matters concerning the Township supervisor, to Township clerk.
2. Employees, full and part-time, of the Township to the Township manager.

The above listed authorities shall take appropriate action upon any complaint or request for information concerning the code of ethics of the Township. The appropriate action to be taken in any individual case shall be at the discretion of the controlling authority involved, which may include but is not limited to any of the following:

1. Referral of the matter to a Township attorney;
2. Pursuing further investigation by the controlling authority;
3. Recommending appropriate disciplinary action, including removal from appointed position or employment, in accordance with the regulations or policies of the Township or the requirements of any collectively bargained agreement;
4. Deeming no action be taken and/or,
5. Pursuing such other course of action which is reasonable, just and appropriate under the circumstances.

The above listed controlling authorities may render written advisory opinions, when deemed appropriate, interpreting the code of ethics as set forth in this policy.

Acknowledgement of Ethics Policy and Annual Training

Upon initial adoption of the Ethics Policy, all existing public servants will receive a copy and shall sign an acknowledgment of receipt of same. Thereafter, a statement acknowledging the Ethics Policy shall be completed on an annual basis by all public servants.

1. New employees shall be provided a copy of the policy at the time of orientation.
2. Newly elected/appointed public servants shall receive a copy at the time of taking office or appointment.
3. The Human Resources Generalist shall be responsible for providing mandatory annual training for all employees of the Township.
4. Acknowledgments of initial receipt and annual acknowledgments shall be filed with the Human Resources Generalist and remain in effect until a party is no longer a public servant.

Ethics Policy Acknowledgment

It is the intent of the Ethics Policy that a public servant shall avoid any action which might result in or create the appearance of using public office or employment for private gain, giving improper preferential treatment to any person or organization, impeding government efficiency or economy, a lack of independence or impartiality of action, making a government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the township.

Prohibited Conduct

All public servants are prohibited from engaging in the following conduct:

1. Divulging confidential information to any person not authorized to obtain such information.
2. Benefitting financially from confidential information.
3. Representing his or her individual opinion as that of the township.
4. Act on behalf of the township in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such public servant has, in fact, no authority to do so.
5. Misusing township personnel resources, property, funds, or assets for personal gain.
6. Soliciting or accepting a gift or loan of money, goods, services, or other things of value which tend to influence the manner in which the public servant performs his or her official duties.
7. Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position.
8. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
9. Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has a substantial interest.

Conflict of Interest – Duty to Disclose

Where there is any question concerning a conflict of interest, even though it may not exist in actuality, the particular situation shall be disclosed in writing.

Name: _____
(Please print)

Position as public servant: _____

Please disclose any actual or potential conflict of interest arising through employment or other financial interest that you or a relative, as defined by the Ethics Policy, which may give rise to a possible conflict of interest or might result in or create the appearance of using your position as a public servant to influence the decisions of any public body.

I acknowledge that I have read and understood the Delta Township Ethics Policy and that I have fully disclosed any possible conflict of interest to the best of my ability.

Date: _____

(Signature)

Address: _____

City, State, Zip: _____

October 22, 2013

To: Delta Township Board

From: Mark Graham, Community Development Department
Mary Clark, Township Clerk
Marcus Kirkpatrick, Parks & Recreation Director

Subject: Vending on Township Properties

Recently questions have been raised regarding vending activities on Township properties. On September 5, 2013 a discussion meeting was held with Marcus Kirkpatrick, Clerk Mary Clark, Deputy Clerk Tracy Ruiz, and Mark Graham in attendance to identify the various issues related to vending on Township properties. On October 3, 2013 the Township Parks & Recreation Commission passed a resolution recommending that the Township Board waive the vendor licensing fee for vending activities in Township Parks which have been approved by the Parks & Recreation Commission.

The purpose of this memo is to identify the various issues regarding vending activities on Township properties.

Vending Activities on Township Properties

- Lion's Club Concession Stand @ Sharp Park during Delta Rocks
 - Exempt from a Vendor's License because of non-profit status
- Lion's Club Concession Stand @ Erickson Park during softball events
 - Exempt from a Vendor's License because of non-profit status
- Private Food Vendor @ Sharp Park during Delta Rocks
 - Has not been required to obtain a vending license in the past
 - Sec. 42-5 of the Township Vending Ordinance mandates a license for vending in a Park
- Proposed Food Trucks @ 2014 Library Special Event
 - Non-Profits would not be required to obtain a Vending License
 - If not non-profits, vendors would be required to obtain a Vending License

Pros & Cons of Exempting Vending on Township Properties from a License Requirement

Pros

- If food vendors are required to obtain a \$350 vending license for Delta Rocks there's a possibility they'd no longer attend and the public would be deprived of some food & drinks.

- Permitting vendors at Township events adds variety to the attractions and could spur attendance
- Other Township ordinances (Sign Ordinance & Entertainment Ordinance) exempt Township properties from licensing requirements

Cons

- Vending licenses are required to insure that the vendor's identification is accurate, to determine if they have a criminal record & to provide the Fire Department an opportunity to review the activity.
- Mandating a license for vending on private properties while exempting vending from licensing on Township properties would be inequitable.
- Permitting increased vending activity on Township properties could take away business from bricks & mortar retailers.

Option of Requiring a Vending License for Township Properties but Waiving the Fee

Pros

- This approach would insure that a vendor's identification is accurate, determine if they have a criminal record and provide the Fire Department an opportunity to review the activity.
- This Option complies with the recommendation of the Parks & Recreation Commission.
- Section 42-38 of the Vending Ordinance already exempts veterans from the fee requirement but they're still required to obtain a license as per P.A. 359 of 1921.

Cons

- If no fee is required, the Township's General Fund will be paying for the cost of background checks and administrative duties related to the issuance of a license.

Sheriff's Department Input

Staff contacted Lt. Jeff Campbell of the Eaton County Sheriff's Department and asked him whether he had an opinion as to whether or not licenses should be required for vending activities on Township properties. Lt. Campbell said that he didn't have a preference regarding whether or not licenses were required. He noted that if licenses are required, he'd like deputies to have the ability to quickly determine if someone is an approved vendor which the new photo ID requirement should insure.

Where Do We Go From Here?

Staff recommends that the issue of Vending on Township properties be placed on a future Township Board Committee of the Whole meeting for discussion.